

2007 SEP 18 AM 8 01

PATRICK E. DUFFY
BY _____
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,)	CR 07-14-M-DWM
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
DAVID ALLEN MOORSE,)	
)	
Defendant.)	
_____)	

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on August 30, 2007. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

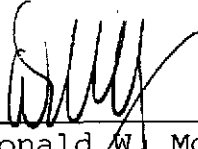
Judge Lynch recommended this Court accept Moorse's guilty

plea after Moorse appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to the charge of unlawful user of a controlled substance in possession of a firearm, in violation of 18 U.S.C. § 922(g)(3) (Count I), as set forth in the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (dkt #40) and I adopt them in full.

Accordingly, IT IS HEREBY ORDERED that Defendant's motion to change plea is GRANTED. Count II of the Indictment against Moorse is DISMISSED.

DATED this 18 day of September, 2007.



Donald W. Molloy, Chief Judge
United States District Court